

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:11-cr-00084-MR-DLH**

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

ORDER

MARIO CLOTINHO GOMES,)

Defendant.)

THIS MATTER is before the Court upon the Defendant's letter, which the Court construes as a motion for early termination of his term of supervised release and a motion for permission to travel to India. [Doc. 80]. Both counsel for the Government and the Defendant's supervising probation officer in the Northern District of Georgia have advised the Court's chambers that they do not oppose the Defendant's motion.

On February 29, 2012, the Defendant was found guilty by a jury of multiple counts of wire fraud and wire fraud conspiracy. He was sentenced on December 18, 2013 to a term of 52 months' imprisonment to be followed by three years of supervised release. [Doc. 43]. An Amended Judgment was subsequently entered ordering the Defendant to pay \$878,000.00 in

restitution. [Doc. 65]. The Defendant commenced his term of supervised release on November 13, 2017.

In order to terminate a defendant's term of supervised release, the Court must be "satisfied that such action is warranted by the conduct of the defendant and the interest of justice." 18 U.S.C. § 3564(c). Upon careful consideration of the record, the Court is not satisfied that termination of the Defendant's term of supervised release is warranted at this time. The Defendant still has a significant outstanding restitution obligation. Accordingly, the Court declines to exercise its discretion to terminate the Defendant's term of supervised release at this time. The Court will, however, give the Defendant permission to travel to India to attend his mother's memorial service in December 2019.

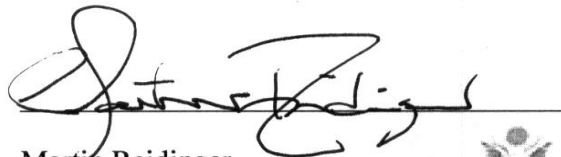
Accordingly, **IT IS, THEREFORE, ORDERED** that the Defendant's letter [Doc. 80], which the Court construes in part as a motion for early termination of the term of supervised release, is **DENIED**. The Defendant's term of supervised release shall continue as originally sentenced.

IT IS FURTHER ORDERED that the Defendant's request for permission to travel to India to attend his mother's memorial service in December 2019 [Doc. 80] is **GRANTED**.

The Clerk is directed to serve a copy of this Order on the Defendant, counsel for the Government, and the United States Probation Office for the Northern District of Georgia.

IT IS SO ORDERED.

Signed: October 26, 2019


Martin Reidinger
United States District Judge

